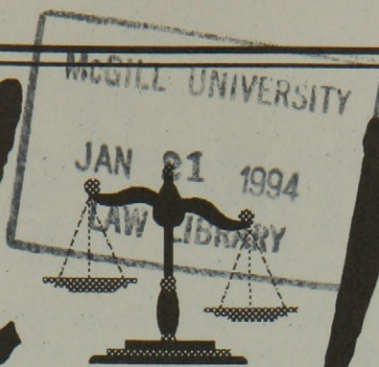


# Quid Novi



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UNIVERSITÉ MCGILL FACULTÉ DE DROIT  
MCGILL UNIVERSITY FACULTY OF LAW

January 17, 1994  
le 17 janvier, 1994

## LIFE IS AS PRIVATE AS YOU MAKE IT

Adam Atlas  
BCL I

The articles dealing with privacy in the new *Civil Code of Quebec* (articles 35 to 41, especially article 37) are an embarrassment to Quebec and an embarrassment to Canada. Article 37 of the *CCQ* states that every person who establishes a file on another person shall have a serious and legitimate reason for doing so and may not, without the consent of the person concerned or authorization by law, communicate such information to third parties. The State and the law, as they currently operate, are wholly outdated mechanisms for protecting the privacy of individuals and giving people a say in the control of personal information.

### Background:

First, a few myths, which have driven us to consider making legislation on the subject of privacy:

Myth 1: New technology is necessarily good.

Myth 2: New technology should necessarily be used because it is good.

Myth 3: New technology should be used in the way that we are being told it should be used.

Thanks to the common belief that these myths are truth, we have selected a specific pattern of technological, economic and social development which need not have occurred and need not continue. It is time for law makers to wake-up and smell the ozone wafting out of the backs of their monitors. The advent of digital technology and easy storage, transfer and retrieval of large quantities of

information has allowed us to make a spider web out of the world whereon we live, moving from one sector to another, without knowing the ripples we set running through the whole web. Consider, for example, how the following organisations know about you:

- the phone company - through home use and phone card use
- credit card companies
- banks - through the eyes of bank machines
- every company (mail-order or otherwise) that has bought your personal profile
- governments, their ministries and subordinates
- your employer and its superiors
- your insurer
- the Internet and the organisations who busy themselves reading your e-mail

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## Dean Morrissette's Successor

Randy Hahn  
LLB III

McGill Law School needs a new Dean. Evidently Yves-Marie Morrissette has decided that he has done his bit for public service and he yearns to return to the agreeable life of teaching and research, unencumbered by the necessity of listening patiently to all sorts of boring people explaining why

something ought to be done in reaction to some terribly pressing concern.

There is, I suppose, a certain cachet in being able to announce at a cocktail party that one is the Dean of a law school, or to enjoy a private tête à tête with whichever Supreme Court judge visits the Faculty. But the novelty of such perks probably wears off three months into being

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# Announcements / Annonces

## HUMAN RIGHTS IN EL SALVADOR: Message from Associate Dean Stephen J. Toope

I have been working with a new organization called the Canadian Lawyers Association for International Human Rights (CLAHR). As part of a project funded by CIDA, CLAHR has undertaken a project in cooperation with the Legal Studies Institute of El Salvador. The goal of this project is to provide an analysis of the current electoral law of El Salvador, to compare the electoral law with lateral legislation in a number of developed and developing nations, and to suggest areas for possible legislative reform. CLAHR is looking for student volunteers to engage in research, comparative analysis of electoral law, and law reform proposals. Any students who are interested in working on this project, which will be supervised by a graduate of the Faculty of Law currently working as a lawyer in the Department of Justice in Ottawa, please contact Professor Toope. It might be possible for this work to be undertaken as an independent study paper under my supervision. Those interested should contact me as soon as possible.

## La Bibliothèque/The Library Staff - RECLASSIFICATION

La bibliothèque est en train de reclassifier l'ancienne collection Cutter à la nouvelle classification de la bibliothèque du Congrès (Library of Congress ou LC). Une fois complété, ce travail nous donnera une bibliothèque beaucoup plus facile à utiliser, mais cependant, vous trouverez des volumes qui ont été changés de place.

Nous essayerons de garder les inconvénients au minimum, et afficherons des avis dans les rayons quand des livres ont été déplacés. Si vous ne trouvez pas les livres que vous cherchez, veuillez demander au service de référence ou au comptoir de prêt où il y aura des listes des cotes qui ont changés de place et leur nouvelle emplacement.

Veuillez nous excuser les inconvénients et merci de votre compréhension et patience.

The Library is beginning work to reclassify the old Cutter collection into Library of Congress. While life will become easier for everyone once the work has been completed, it will mean some disruption while the work is in progress, and you will find that some material has been shifted.

We will try to keep the disruption to a minimum, and will post signs when material has been moved. If you are unable to find material you are looking for, please ask at the Reference or Circulation desk where there will be lists of call numbers which have been moved and their new locations.

We apologize for any inconvenience to our users and thank you for your understanding.

## Social Committee

DISCO PARTY at Angel's, Wednesday, January 19th from 8 p.m. on - get your costumes ready... prizes!

## SSMU Transit Network

The SSMU Transit Network, McGill's unique carpool system, is now taking driver/passenger schedules for **FREE ON-CAMPUS PARKING** (McyIntyre Garage) and convenient, inexpensive rides to and from school - serving your neighbourhood. Drop by Union 408 or call 398 2902 now to reserve your spot for November.

## YEARBOOK: Res Ipsa Loquitur

Do you have some time to help out with putting the yearbook together? Please leave a message in Res Ipsa Loquitur box in the LSA Office. There is lots to do and few volunteers.

## A Message From The LSA

Remember that the LSA Executive holds office hours 4 days a week now (Wednesday is our day of rest). The exact times we are available will be posted outside the LSA Office. All students note that the LSA will be off limits to all lunchers during these times!

## For Sale

La Cité 6 month Health Club membership. Call Stacey at 288-5675.

Jay Sinha would like to personally and publicly thank Rosemarie Graf for giving him the idea of doing the November 22/93 editorial on , that is, the former "Prince". Thank you, Rose.

*On behalf of the McGill Law Students Association, the McGill University Rowing Club (especially the Lightweight Men's Eight) and the Quid Novi, hearty congratulations go out to Heather Abrahams (MED IV) and Brian Salpeter (NAT IV) on their recent engagement. Your joy is our joy. Cheers!*

*Quid deadlines are as follows: Articles and announcements must be submitted by 5 p.m. on the Monday before the week in which you wish the article to appear.*

*Note: Submitted disks are returned in the bottom Quid box in the LSA Office.*

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# Editorial: Quality of Life

Quality of life is a subject that many law students will have to grapple with. It also seems to be a topic of conversation that pops up when one is on vacation, escaping from one's "career" (or more appropriately for us, recovering from exams) and wondering why the hell we subject ourselves to hellish hours and pressures in order to earn a few measly bucks more in each paycheque. It seems that we cannot even claim to be "working for the weekend" as we will probably end up in the office (or in the meantime the library) then anyway...

This subject also seems to be imposed on us when we act like good, proper Quebecers and head to Florida for vacation. It doesn't really matter if we fly down or drive the interstates. The quality of life debate hits us with our morning cup of coffee whether we are in a New York State pancake house or a Florida tourist trap. Quite apart from the debate over whether it is possible to get a palatable cup of coffee at all down south is the one over *non-dairy creamers* (OK, so I admit it is not quite a public debate yet but it is a personal peeve that I would like to impose on you...).

Cream (or at *least* milk) is a given here for coffee in restaurants. Not so down south. The best one can hope for there is something called "half and half" (no idea what that means...half dairy and half non-

dairy?...half palatable and half not?...half milk half cream?) although a sure bet is that insipid "*non-dairy*" *creamer*.<sup>1</sup> The most remarkable thing about *non-dairy creamers* is that they taste almost, but not completely, unlike cream.<sup>2</sup> The second remarkable thing about *non-dairy creamers* is the variety of assault forms that they come in: camouflaged like cream in little covered cups; openly declared in paper sachets like sugar; and full frontal, stockpiled in pourable containers. Despite the plethora of appearances, all seem to be plainly labelled as a "*non-dairy creamer*." A marketing miracle? No. Selling that name to your company's president ("We'll call it *non-dairy creamer*!") would be a sure career limiting move. Probably some government official felt obliged to protect the public and force these companies to confess their crime on each *non-dairy creamer*.

The creation and implementation of these torture instruments was quite probably an economic decision made in cold blood (and lukewarm coffee). Some number cruncher calculated that you could save 1.003245674 cents (American of course, so imagine what that's worth with the exchange...) per creamer unit. If you sell 78364276 cups of coffee per fiscal year and one creamer is used for each .573453564 cups of coffee, you could save an entire

\$400.00!

The propellerhead that came up with that great analysis was not stupid. If the coffee tastes like sock water anyway, what difference does it make if you pour in an *edible oil product* (Just where in the range from crude oil to WD-40 does that fit in?) and treat yourself to an additional mini environmental hazard? Perhaps it is actually beneficial and the oil coats the stomach walls and prevents ulcers caused by the toxic sock juices. What happens to the remaining sludge is another question altogether as is the question about the effects of artificial sweeteners that some people choose to inflict upon themselves voluntarily even when the sludge-peddling "restaurants" offer real sugar as a concession.

That said, perhaps all that hard work and studying is actually worthwhile. A shorter vacation and longer hours at work is a small price to pay to be able to afford a decent cup of coffee...with *real* cream of course.

<sup>1</sup>Believe it or not, a safe bet is McDonalds. They actually have this "half and half" concoction and the coffee only tastes as bad as it does here.

<sup>2</sup>I believe that I owe Douglas Adams a very big apology here, but then, I'm *sure* that he'd agree with me.

## ATTENTION CREATIVE SPIRITS

The Skit Nite committee is looking for DESIGNS for this year's Skit Nite t-shirt. The prize for the best design will be a fabulous evening of entertaining at Skit Nite: two tickets, two t-shirts, and two beers. This year's theme is "Sesame Street Legal". The size of your design should be eleven inches by eleven inches (in black or white or colour). The deadline for design submissions is Tuesday, January 25th. Drop them off at the LSA Office in the Skit Nite box. For more details, see Debbie Johnston or Andrea Daniels.

So... let the creative vibes roll.

P.S. Skit Nite is Thursday, March 10th so start thinking about skit writing soon.

P.P.S. The Band is already rehearsing.



## LIFE IS AS PRIVATE...

(Continued from page 1)

- the handy-cams in you dépanneur, bank and metro station
- the blood bank
- the sperm, egg and zygote bank

Lets face it, we all lead relatively public lives, sharing everything from buying habits with credit card companies to our genetic combination with the blood bank and its customers.

### Issues:

1. What difference does it make if this information is spread about?

As is already the case in the US, finding an insurance policy becomes more complicated when you have to provide genetic information about yourself so that your policy is best suited for your genetic propensity for developing costly diseases. Some companies do not hire without doing a urine test for drugs. Banks refuse loans to people without a "credit history" and credit card companies refuse applications for the same reason.

The more this information is spread about, the more tempting it is for people to use the information to differentiate between you and the next person. Do we want to be treated differently because of some hereto unknown genetic glitch in our DNA? Do we want the credit card company to follow our footsteps through the mall? Do we have to trust others with the keeping of information about us? I answer 'No' to all three questions.

2. Why does the information spread so easily?

- a) Technology (Need I say more on this point? No. (See the three myths above.))
- b) We give this information out like there is no tomorrow! Coming close to home for an example, every year on the McGill campus there is a love-in on the lower campus with companies that sell things to students. (i.e. computers, beauty kits, LSAT courses...) At each of the thirty, or so, booths students are given a loot-bag or a chance to win something in exchange for giving their address and

vital statistics to the company. Each year the Student Union and the University sponsor this leeching of information by allowing it to happen. Yes, it is here at the University that we pick up some ideas to carry with us for the balance of our days, but what ideas are these? Is this preparation for sustenance in the future or is it straight-out indoctrination. No, I am not complaining here of the materialistic aspect of the whole enterprise, that is saved for another article. I am pointing out how the role of the University is to prepare us for what is to come. Some features of the future are predictable. Fostering a self-sacrificing attitude to info-hungry companies is far from preparing John and Jane for life in corporate America or Eurasia.

3. What will it be like in the future?

In the future you will not need a credit card, let alone a bank card or a student ID, all those cumbersome loosables that we lug around will likely be packaged in one handy identification tab that will be slipped under your armpit at birth. (See the chapter on civil status in the next *Civil Code of Quebec*.)

4. Why will it be like that?

It will be like that because we are ALLOWING this gorge of information collection to continue and we do little more than learn how to be nailed up. We are embracing any new technology that lets us carry less in our wallet. Basically, we are signing in to the biggest Club-Med ever, the one where everyone is a Member- for life -and no one leaves until death. Do we want the world to be a Club-Med until the eventual decline of modern society? What will we do if we don't like the theme song?

5. Why is the new law bad and embarrassing?

Laws are made for POGG. The *Interpretation Acts* say that laws must serve to further some good or lessen some evil. Article 37 of the *C.C.Q.* 1994 does neither.

Supporters of the new law will say that Quebecers will gain some control over

information about them in the hands of others. This is true for the minority of organisations that will bother to obey the law. Consider the following question: Is it any more difficult, or significantly slower, to transfer information, from Peel Street to Stanley Street than it is to transfer information from Peel Street to Hong Kong?? NO. If we agree on this answer then there is nothing to stop anyone, except good reason, to set-up a one-stop-shopping data bank for Quebecers in the Bahamas. Meanwhile some companies and principally government agencies, (which are burdened with having to be lawful,) will be licking envelopes and sending letters to Quebecers asking them if they can swap their eye-colour data for someone else's preferred toothpaste information. We all know how easy it is to send packets of information around the world. And we all know how useless this law will be in restricting the use, by others, of the data we have signed away.

6. This law restricts the flow of information. If the flow is bad, because it strips us of our privacy, then how could this law possibly be bad?

The law is bad because it does not attempt to solve the problems faced by the citizens who are being steadily stripped of their privacy. The privacy law does harm to the issue because it will give many of us the false sense that we are somehow protected in Quebec from the great global strip-tease. It will allow us to live in what we think is a cocoon and not bother with the realities of the data-tides. Let me state clearly that this impotent response to a problem is in no way mandatory. There are alternatives.

7. So what should we do?

The problem is that information relating to citizens is being collected and used to discriminate between citizens. The solution is to remind ourselves of the ever-advancing web of monitoring devices so that we might know where we are going, even if we do nothing about it. Here are some practical solutions.

- a) Short-term solutions:

In the short term the government should endeavor to educate the public as to their

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## LIFE IS AS PRIVATE...

(Continued from page 4)

individual responsibility for keeping private what they wish to keep private. **The ONLY true guarantor of privacy is the individual.** Assuming no one bursts into your home to take an unwanted blood-sample, and assuming your image is a little less valuable than that of Princess Di., you can control who knows what about you. A few tips to prepare for the next century:

- i) Throw away your credit cards.
- ii) Throw away your bank cards.
- iii) Throw away your phone cards.
- iv) Lobby to impose restrictions on the information that companies are allowed to demand from you.

v) When in doubt, don't give out you address, name, SIN, blood, flesh, fluids...

vi) Use cash, (while you still can.)

vii) Use the private caller option on your phone (i.e. dial \*67 before any call)

b) Long term solutions:

i) Continue educating the public.

ii) Face the fact that the government cannot keep up with info-flo. in and out of the country.

iii) Amend the constitution such that vendors and providers of goods and services may not refuse to sell, or deliver, their wares on the grounds that the purchaser has not provided information about themselves.

(In other words, safeguard a currency that does not identify the user, such as gold, coins, or paper money.)

iv) Support the office of the Privacy Commissioner of Canada

8. The author sounds like a paranoid hill-billy!

They said the steam engine was evil, this is not a recycled version of that argument. The steam engine furthered war between states, the info-tides will further war between every human person and his or her virtual likeness. If you think the author is paranoid please cut out this article, put it in your family album and read it in twenty years, (i.e. 2014 A.D.). If you still think it sounds paranoid, (and you are not afraid to say so in a public place,) then I will take you out to lunch.

## Dean's Successor

(Continued from page 1)

Dean, and the remaining time must often be rather unpleasant. All this being so, who can we look to to assume the responsibilities of Dean after Yves-Marie Morrisette leaves the office? Obvious candidates include the Associate Deans - Alison Harvison-Young, Rosalie Jukier, and Stephen Toope - all of whom are capable people and would do a wonderful job. But all of them are excellent teachers who hold great promise as scholars, and it would be unfair to distract them with further administrative chores.

I think we should look outside the Faculty for the next Dean. As it happens, I have a person in mind who I think would be wonderfully suited for the job. She is gracious, elegant and possesses extraordinary charm. She has been embroiled in some tricky political situations and has managed to emerge with her dignity and diplomatic prowess intact. She is fluent in both French and English. She gives great parties. She knows a great many of the world's movers and shakers. Recent family difficulties are of such a nature that she may well be interested in establishing a new home, and the allure

of a cosmopolitan place such as Montréal might well attract her here.

I am referring, of course, to Diana, the Princess of Wales. Piggishly pretentious readers might protest that she

would teach at least one course in order to keep abreast with what is happening in the classroom. No problem. Diana could teach, say, Foundations in Law without too much difficulty. The

Associate Deans could continue to provide much of the administrative backup which would allow Diana to give glamorous parties, invitations to which would be much sought after. A quiet word from Diana with various plutocrats would result in much needed largesse pouring into the Law School. Distinguished jurists from all over the world would flock here in order to have the chance to meet the Dean. The national media would begin to pay attention to events at the Law School. McGill's Faculty of Law would be an exciting place to be.

For too long we have assumed that the Dean of the Law School performs chiefly an efficient executive function. But there is as well a dignified purpose to the office, and it behooves us to recognize this and accordingly to strengthen our commitment to the Law School by humbly inviting the Princess of Wales to answer the call to public service and to lead us into the glorious future that McGill Law School so certainly deserves.

She is gracious, elegant  
and possesses  
extraordinary charm...She  
is fluent in both French  
and English. She gives  
great parties. She knows  
a great many of the  
world's movers and  
shakers.

lacks the requisite scholarly credentials. But can anyone seriously doubt that her insights and observations are any less profound or perceptive than much of what is presently termed legal scholarship? In these egalitarian times we should not be so critical of those who may lack formal qualifications, but who still have something interesting to say.

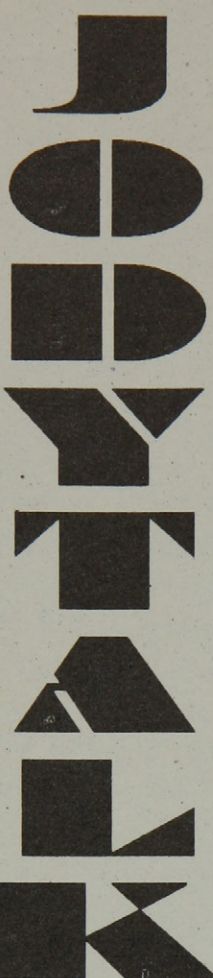
It might be expected that the Dean



## Jody Berkes BCL II

A wise sage once said, "Nothing disappoints us more than not getting what we want except getting what we want". For you faithful few Jodytalker's you will remember how bitterly I complained about the heat in my apartment. Well, since then my apartment has become heated. When I asked my landlord what temperature he set the thermostat at he replied, "The thermostat has two settings...off and on. Which would like?". Actually, having my apartment heated to 20 above while it's 20 below outside has a few advantages. For example, when I left Los Angeles for Montréal after winter break I figured I wouldn't be wearing my shorts again until the summer. In case you didn't know, we have a lovely summer in Montréal which usually falls sometime in between the 3rd and 8th of August. However, the present circumstances have allowed me to create a very pleasant micro-climate in my apartment. I just got finished with constructing my sandlot volleyball court in the living room. In addition, I have procured, after much time and effort, a palm frond umbrellas, patio furniture, several crates of tequila, those cute little drink umbrellas for margaritas, and a copy of the *Beach Boys* "Endless Summer". The only thing that was truly easy enough to obtain was the ice...go figure. Now if only I could figure out how to scuba dive in my bathtub I'd be set.

The vacation between the end of the fall finals and the beginning of the winter semester is just too short. This is a familiar complaint and I know that most of us share this feeling. It wouldn't kill McGill to give us an extra week of vacation. I would gladly go an extra week into May to escape the deep freeze for just one more week. I mean it's not as if that week in May is all important. I mean it's not like I'm really in a rush to start that summer job that I don't have. Besides it's not only the students who could benefit from the extra week break. Professors too could benefit. An extra week of vacation is an extra week to grade those exams (read: throw them off the second floor



balcony of Old Chancellor Day Hall). Which professor couldn't use an extra week to prepare course outlines for winter semester, or for those that are really on the money an extra week for the printer to get them printed up. How is it that I can get copies of 200 page summaries for each of five classes for myself and the entire second year class in two hours, but for a professor to copy a measly three page outline it takes weeks? But, I digress. If I had an extra week of vacation I wouldn't be spending the entire first week of classes walking around like a zombie. Besides, if we can't have coffee house the first week we get back, why should we bother with classes.

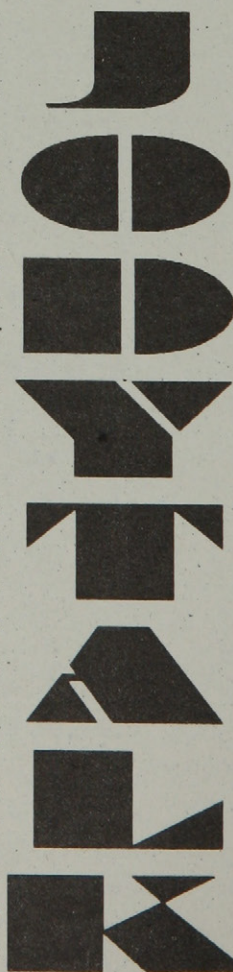
I know it's a painful subject for most of you, but I would like you all to cast your minds back to last semester, like I said, it wasn't long ago. If you were at all like me, and I think that there are more of you like me than are willing to admit it, you didn't get down to any serious work until the first week in November. However, by that time I was so far behind that I had to spend just about every free moment that I had in the library. I checked out the Law Library and found the following. The biggest advantage that the law library has is that it is relatively quiet (¿qui es mas social? Angels on a Saturday night or McLennan Library?). The quietest area is the sixth floor which is fine if you don't mind being shoved in a cubicle millimeters from a stack of books, with no natural light, at temperatures which would fry an egg as well as your brain. The fifth floor provides a nice view of the south side of the city as well as the rooftop garden above the science building, but you run into the same problem as McLennan with the socializing. The fourth floor is definitely the worst place to study in that library because of the constant noise from people asking the library personnel, "Where are the sample answers from the

Business Associations midterm, and where is that *Royal Trust* case? Then we get down to the third floor which is a great place to study if you happen to be wearing your ski parka. Really, most of the noise in the library is not a problem since I invested in ear plugs. However, the biggest obstacle for me studying in the library is the food, or lack thereof.

When I study I get hungry, and it's always great to have a bowl of something to munch on and maybe an ice cold...glass of water. (Oh, come now...I don't drink beer while studying, at least not before 3 p.m.) However, the library is the only place in the law school that strictly enforces the "no eating or drinking" rule. Classes would revolt if at 9 a.m. on Monday morning the professor would walk in and say, "I would like all of you to dispose of your cups of coffee before we begin class". Likewise, students would riot if on Tuesdays or Thursdays (days when we have no lunch break) we were prevented from wolfing down a sandwich during the first two minutes of class. However, the last time I went to the Law Library the librarian sent me out by the copy card machine until I had finished my life saver. I spent so much time in that library last semester that I think they should take out the periodical literature reference books and install an all-day buffet brunch. We could use the profits to

help replace some of those books that people keep tearing the pages out of, or replace the dictionary shelves on each floor; or give each law student a key so that we could ride the private elevator down to the cafeteria. I realize that there has to be a rationalization for not allowing people to eat in the library (Eds. Note: *stray food attracts vermin and insects with book-detroying ability - beyond those found in any law library, that is*), but with the level of dryness of the readings that I'm forced to study perhaps they would allow me to whet my whistle once in a while.

Jody Berkes is a second year law student who is running for the positions of Dean of the Faculty of Law, Liberal Party representative for the D'Arcy - McGee riding, and Ruler of the Universe. Remember, every vote counts especially yours.





# La bourse et la vie

Laurence Detière  
BCL I

L'argent ne fait pas tourner le monde, mais le monde semble tourner autour de l'argent. Il semble que l'argent peut tout faire, notamment acheter la vie. En effet, nos besoins quotidiens sont acquis par des moyens pécuniaires, et des vies sont sauvées par le paiement de traitements médicaux coûteux. Mais au-delà de ce "coût" de la vie, on remarque que l'argent met un chiffre sur quelque chose de totalement impalpable, et inappréciable, tel que la vie humaine. Et c'est cette unité qui guide de nombreuses décisions, tant personnelles que politiques.

Le plus surprenant, et aussi le plus choquant, est la dicotomie omniprésente de la reconnaissance de valeurs fondamentales qui sont sans prix, et leur évaluation, tout dans le même souffle. En effet, les chartes reconnaissent par exemple la valeur sacro-sainte de la vie, de la liberté et de la dignité, et leur aspect quasi surhumain. Cependant, elles prévoient aussi l'octroi de remèdes monétaires pour la violation de ces valeurs. A la base donc, on reconnaît que des valeurs intrinsèquement abstraites et "morales" peuvent être rendues concrètes par l'argent. Certes l'idée de réparation est la base de ce système, mais le biais de l'évaluation pécuniaire, de la vie notamment, se retrouve partout.

## Les vies qui en valent plus que d'autres

Les hommes naissent libres et égaux en droit, mais cet état est bien éphémère. En effet, dès l'instant où un enfant vient au monde, et même avant sa naissance, on lui attribue une espérance de vie, et presque de bonheur, en fonction de son lieu de naissance. Dès lors, l'égalité est perdue. Et cette inégalité humaine a une reconnaissance officielle et concrète.

En effet, la vie ne vaut pas la même chose dans tous les pays. Dans un récent article, *The Economist* aborde le fait que différents gouvernements placent un prix sur la vie de leurs citoyens, et que ce chiffre varie selon la méthode utilisée, et surtout selon le pays concerné. L'application la plus concrète et apparente du "prix de la vie" est l'investissement fait par l'Etat dans la sécurité, notamment routière. Mais l'allocation d'une valeur concrète à la vie est aussi une affaire quotidienne et individuelle.

Chaque jour, nous prenons des risques calculés qui reflètent notre appréciation du risque que nous aurions de mourir ou d'être blessé, en fonction de ce qu'il coûterait de l'éviter. Par exemple, selon les conditions, on décide d'attendre ou non que le feu devienne vert (perte de temps) pour traverser ou l'on paye un certain montant pour une voiture en fonction de la sécurité qu'elle offre en fonction de ce qui nous paraît adéquat pour notre usage personnel (choix de "airbag", type de pneu etc). Et comme le plus souvent nous ne sommes pas prêts à dépenser de l'argent pour améliorer la sécurité qui nous concerne, c'est l'Etat qui doit intervenir en matière de sécurité qui bénéficie à tous.

L'Etat se voit donc allouer une somme d'argent pour maintenir un certain niveau de sécurité générale. Pour ce qui est de la sécurité routière, les investissements sont le plus souvent évalués en fonction du coût de la vie, soit du coût de la mort et de blessures, et parfois en fonction du prix que chacun mettrait pour réduire les probabilités d'accident. L'exemple classique est bien sûr celui de l'installation d'un feu de circulation supplémentaire à une intersection seulement après un nombre  $x$  d'accidents. La vie est alors évaluée en termes de coûts médicaux (nettement moindres pour les accidents mortels),

mais surtout en termes de perte de revenu potentiel, de production, et de souffrance aussi. On trouve alors d'après ces évaluations difficiles à concevoir, et encore plus difficiles à accepter, que la vie d'un Américain "vaut" plus que celle d'un Suédois.

L'écart est encore plus apparent entre les pays riches qui sont prêts à dépenser beaucoup pour réduire les risques d'accident, d'où les normes de sécurité élevées sur quasiment tout, alors que les pays moins riches ont des normes beaucoup moins élevées.

Les réalités économiques suggèrent donc que la nationalité de chacun donne des droits, des obligations, et un prix. Mais en plus des différences entre nations, dans une même nation, la vie de chacun est-elle égale en termes monétaires? Certainement pas si l'on prend l'indice de sécurité, puisque certaines vies sont plus protégées que d'autres, soit la vie du chef d'Etat par exemple. En effet, il est entouré de gardes du corps dont le rôle tacite est de mourir à la place de ceux qu'ils protègent.

Certes, cette vision pécuniaire et la hiérarchie de la vie est choquante, voir intolérable pour certains. Mais dans un certain sens nous sommes tous un peu coupables d'accepter une gradation de la valeur de la vie. Il y a deux semaines par exemple, trois religieuses perdent la vie dans un accident de la route. La réaction est-elle la même que si trois évadés de prison avaient péri? La mort tragique d'un enfant ne fait pas le même effet que celle d'un terroriste.

On donne alors une valeur presque commerciale à la vie, alors que comme le chante Gilbert Bécaud, "Quand on aime, on ne compte pas". Cependant cette dualité vie-prix est au cœur de nombreux débats sur la morale et sur l'éthique, et est essentielle à la réflexion philosophique et juridique de notre temps.



# Journée Carrière Careers Day

Virginie Gauthier et Tanya Mushynski

As you buckle down to face a new semester or try to come to terms with the results from last semester, the Careers Day committee wants to remind you that there is a light at the end of the tunnel. On Friday, January 21st, Careers Day will allow you to explore the options available to you through your legal education as representatives from about 60 Canadian law firms and from the federal and provincial governments will be at the Faculty of Law to meet with you in an informal setting.

During the week preceding Careers Day, the Committee will make available a booklet detailing which firms and government institutions will be represented at Careers Day. For your convenience, the booklet will be available both in printed form and on the computer system. This will allow you to determine, in advance which representatives you would like to speak to as you circulate through the Faculty

between your classes and to prepare any specific questions you may have. As the booklet will describe very basic information about the law firms and government bodies that will be present, such as their addresses, areas of specialization and number of lawyers, you may want to seek additional information on your own about these prospective employers prior to January 21st in order to get the most possible out of Careers Day.

The Careers Day Committee has planned more than Careers Day itself, however.

D'autre part, en plus de la Journée Carrières du 21 janvier, se tiendront toute la semaine diverses conférences sur des sujets qui ne manqueront pas de susciter votre intérêt. Pour lancer le bal, lundi le 17 janvier à 12:30 heures aura lieu une conférence portant sur la **conduite des entrevues** dans les bureaux d'avocats: des chasseurs de têtes viendront nous dire ce qu'ils recherchent dans un candidat, ce qui les accroche dans un curriculum vitae, la façon dont chacun devrait se présenter, etc.

Le mercredi 19 janvier à 12:30 heures se déroulera un forum sur les **petits, moyens et grands bureaux** d'avocats. Des représentants et représentantes de

chacun des groupes viendront nous en exposer les caractéristiques, les avantages et les inconvénients.

Pour conclure les conférences, le jeudi 20 janvier à 13:00 heures, des professionnels de diverses pratiques viendront nous démontrer qu'il est possible d'exercer la profession d'avocat hors d'un cabinet. Diverses **alternatives** à la pratique vous seront alors suggérées et ne manqueront certainement pas d'élargir vos horizons!

Il va sans dire, lors de ces conférences, vous pourrez poser questions à loisir et éventuellement discuter avec nos conférenciers. Nous vous invitons à surveiller les affiches un peu partout dans la faculté pour connaître l'endroit des conférences et l'identité de nos panellistes.

La Journée Carrières et sa semaine de conférences est un outil que nous mettons à votre disposition afin de faciliter votre recherche d'un emploi d'été ou d'un stage: à vous de l'utiliser! Nous vous attendons en grand nombre!



# The Interview

Larry Markowitz  
BCL III

In the next while you may see some of your classmates dressed a bit more formally than usual. Chances are they're headed off to interview at law firms.

Though some applicants may dread the experience, the interview is an essential part of the search process. While a C.V., or a transcript of your marks may tell the prospective employer about yourself, it is in the interview that he or she can do a proper analysis of such intangibles as your communication skills, your maturity and the professionalism of your appearance.

Working in a law firm means more than just burying your nose in books. Legal employers are looking for potential new lawyers who will be able to interact with both clients and fellow practitioner in a professional manner. Every employee of a law firm - right down to the lowliest stagiare - should be able to uphold that firm's image.

In order to assess an applicant's interpersonal skills, it is common for firms to conduct what is known as a "normal" interview. This format consists of engaging the candidate in friendly conversation. Sometimes, an applicant will even be taken out to dinner. In this situation, the potential employer is trying to get to know you with your guard down. The trick for the applicant is to keep the conversation going throughout the meal.

Law firms want to hire new lawyers who are articulate and who project an image of self-assurance. One way for the interviewer to be certain that he or she is hiring an applicant who can handle pressure is

to conduct a "stress" interview. In this type of interview, the interviewer creates an uneasy atmosphere by frequently interrupting the candidate, by not paying attention to the applicant's answers or by asking what may be perceived as impolite questions. It is important for the applicant to maintain his or her composure. The interviewer wants to see if you are articulate under pressure. The trick here is to appear "calm, cool and collected" - even if you are flustered on the inside. After all, a successful lawyer is supposed to display grace under pressure. So, in a stress interview (as in all interviews), sit up straight, look the questioner in the eye and speak clearly.

Another type of interview is the group interview. Here, the job candidate meets with a firm's entire recruitment committee. Questions are thrown at the candidate from all directions. When answering, it is important to look at the person who asked each particular question. However, at the same time, the prospective employee should acknowledge the other committee members by looking at them towards the end of each answer. Special attention should be given to questions from committee members whom you perceive to be most influential.

Now that we have covered the general types of interviews, what about the questions that are frequently asked? How should a candidate prepare for an interview? As in any job application process, the law firm interviewer will ask the "tell me about yourself" types of questions. In addition, law firms want to see if you are familiar with current events. They want to know your opinions and to see if you are

capable of expressing those views coherently. So, for example, if you are asked whether you think the U.S. should intervene in the former Yugoslavia, hopefully you've read at least a couple of magazine articles on the subject. Law firms want to hire well-rounded individuals who read more than their casebooks.

In any Québec law firm, bilingualism is a necessity. Therefore, you can expect part - or, in some cases, all - of the interview to be conducted in your second language.

You may be asked about anything in your resumé. Know it inside-out. Try to elaborate on the facts in the resumé when you answer. Don't just repeat what is already written on the page. During the interview, you will have the opportunity to ask the interviewer a few questions. Be sure to research the firm to which you are applying prior to the interview. This will prevent you from asking simplistic questions that are already answered in the firm's brochure. Also, an applicant who has done his or her homework is far more impressive than one who has not. Show that you are interested in the firm.

This article is intended as an overview of the interviewing process. For further information, consult the *Hoffman Career Handbook for Law Students* at the placement Office or speak to an upper-year student who has already been through the experience.

If you are going for interviews, relax. The worst that can happen is you won't get the job. Enjoy your first step in entering "the real world". Good Luck!



## THE PEOPLE LEFT BEHIND: DEALING WITH THE HUMAN DIMENSION OF THIRD WORLD DEBT

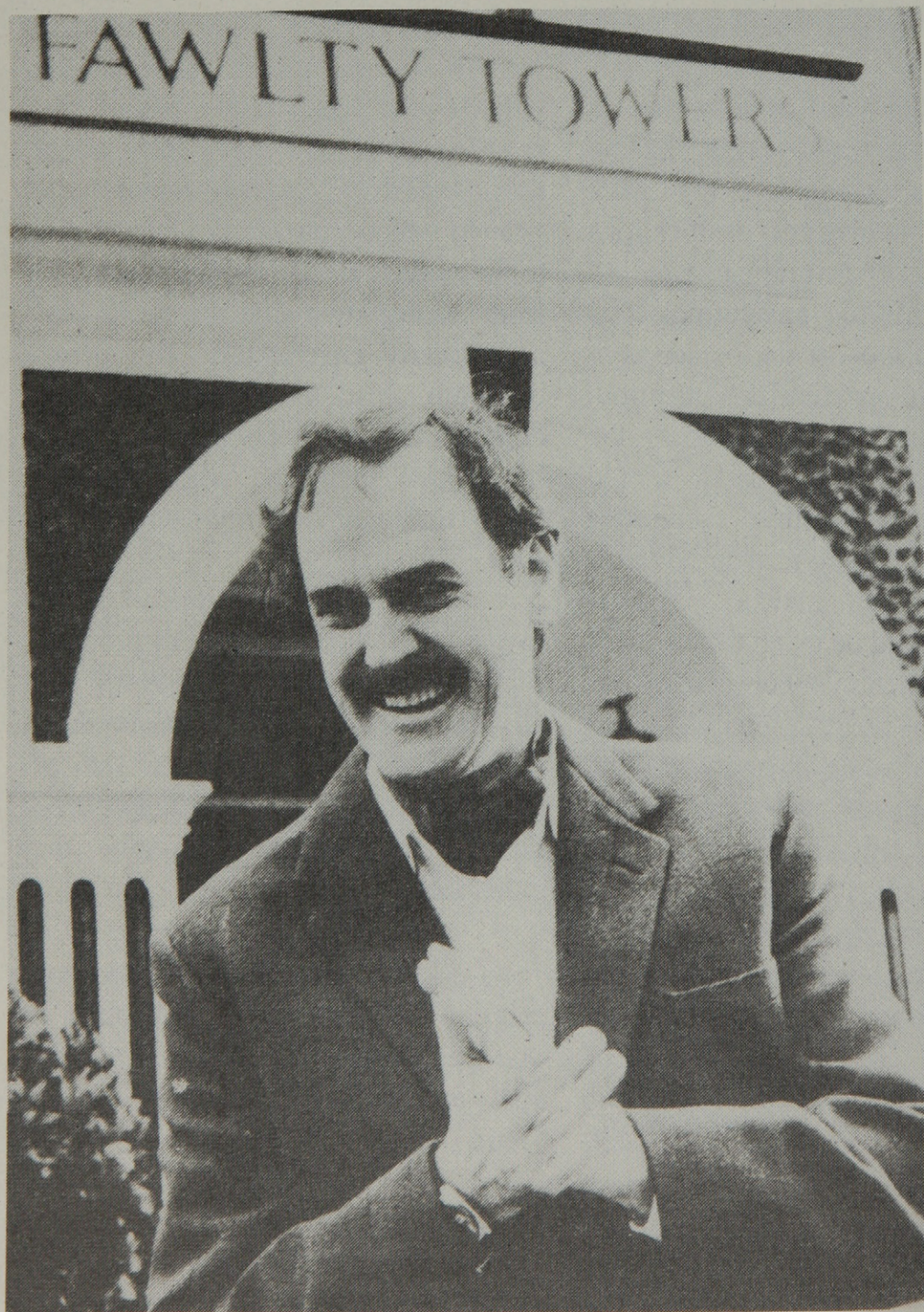
Since the fall of the Berlin Wall in 1989, industrialized countries have focused their attention on rebuilding Eastern Europe, and on dealing with the dismantlement of the Soviet Union and of Yugoslavia. However, the plight of the world's poorest nations has not improved, and the West has all but forgotten the debt crisis which still today cripples economic development in many

African, Asian and especially Latin American countries.

Human Rights Activist **Rev. Ernest Schibli** will address this topic in a speech on **Wednesday, January 26 at 12:30, in the Moot Court**. Actively involved in the struggle for human rights in Central America, Rev. Schibli works for the Social Justice Committee of Montreal, which has played a key role in coordinating non-governmental organizations'

actions on the issue of Third World debt. The subject of Rev. Schibli's presentation will be: **"The People Left Behind: Dealing with the Human Dimension of Third World Debt"**. His speech will be followed by a short question period and discussion with the audience.

This event is a presentation of the St. Thomas More Society of McGill. Come one, come all !



“Discretion’ necessarily implies good faith in discharging public duty.”

-Justice Rand  
*Roncarelli v. Duplessis*, [1959] S.C.R.  
121 at 139.